

## ***Frequently Asked Questions (FAQs): Changes to DRBC Public Hearing and Business Meetings***



### ***1. What changes are being proposed to the DRBC Public Hearings and DRBC Business Meetings?***

Several changes are being made, on a trial basis, to the format and schedule of the DRBC Public Hearings, Public Dialogue Sessions, and Business Meetings including the following:

- The Public Hearing and the Business Meeting will no longer be held on back-to-back days. Generally, the Business Meetings will continue to be held quarterly, and a Public Hearing in each case will be held about four to five weeks earlier.
- The Public Dialogue sessions will be renamed “Open Public Comment” to more accurately reflect their purpose.
- Open Public Comment will be held, as time allows, at both the Public Hearing and the Business Meeting. Subject to the discretion of the hearing officer or chair, who may provide additional time under exceptional circumstances, Open Public Comment sessions will be limited to two hours per quarter – one hour maximum at the Public Hearing and one hour maximum at the Business Meeting.
- From time to time, Business Meetings will be held at locations to be determined throughout the Basin – that is, apart from DRBC’s headquarters in West Trenton, NJ or the frequently used Washington Crossing, PA location.
- Revised procedural guidelines will be issued for the Public Hearing, Open Public Comment, and Business Meeting formats.

### ***2. Why is the DRBC scheduling the Public Hearing and Business Meeting four to five weeks apart?***

Generally, comments are accepted for dockets and other matters under consideration through the close of business (5:00 p.m.) on the Public Hearing date. While the majority of the docket and other matters do not result in substantive oral or written comments, there are projects on which commenters offer substantive verbal or written comments on that date. The DRBC attempts to be responsive to the commenters and the applicants, placing the burden on staff and Commissioners to review and consider these comments between the close of the Public Hearing and the next day’s Business Meeting. If the comments cannot be thoroughly addressed in this limited time, the application may be held over until a subsequent meeting, the earliest of which will take place three months later. Moving the date of the Public Hearing to four or five weeks preceding the Business Meeting will afford staff and Commissioners more time to thoroughly review and respond to the comments and concerns of interested parties.

### ***3. Will the comment period continue after the close of the Public Hearing?***

Ordinarily, the comment period will close one business day after the Public Hearing date. The hearing officer or the Commissioners may extend the comment period when the circumstances warrant additional time for public comment.

**4. *Will there continue to be time limits on oral comments at the Public Hearing?***

Generally yes. In order to allow all those who wish to speak an opportunity to be heard, time limits will be imposed. Individuals providing oral comments should plan on a limit of three (3) minutes, but more or less time may be allowed depending upon the demand and other circumstances. Speakers are always encouraged to provide written comments as well, within the established comment period.

**5. *Where will the Public Hearings be held?***

Generally, all quarterly Public Hearings will be held in Washington Crossing, PA. Public Hearing times and locations will continue to be publicly advertised in the state and federal registers as well as the DRBC web site.

**6. *Where will the Business Meetings be held?***

In general, two of the Commission's four meetings per year will continue to be held at Washington Crossing, PA and the other two meetings may be held at other venues throughout the Basin. There is no set schedule, and locations are dependent upon adequate venue availability and factors including, but not limited to, cost and security. If adequate venues cannot be secured, Business Meetings will be scheduled in Washington Crossing, PA. Times and locations will continue to be publicly advertised in the state and federal registers as well as the DRBC web site.

**7. *Will all DRBC Commissioners be present at every hearing and every meeting?***

Probably not. A minimum of three votes are required for an action by the Commission on most matters, and thus at least three Commissioners are needed to conduct a Business Meeting. Generally, however, Commissioners representing all five signatory parties attend the Business Meeting. The Public Hearing will be conducted by a DRBC hearing officer (generally, the Executive Director) with staff support. It is expected that at least one DRBC Commissioner will attend Public Hearings.

**8. *How will Commissioners be informed of the public's concerns if they are not at the hearings?***

All Public Hearings will be recorded and transcribed, and will be attended by Commission staff. Commissioners will receive hearing transcripts as well as staff recommendations before they are asked to vote on any application or staff recommendation.

**9. *How long is the trial period?***

The trial period is expected to extend through 2016. Before the end of 2016, the Commissioners will decide whether to keep the revised schedule, return to the original schedule, or develop and implement another option.

**10. *What is "Open Public Comment"?***

Unlike the Public Hearing on matters such as dockets, rules or resolutions that are under consideration by the Commission for a specific action, Open Public Comment provides an opportunity for interested persons to speak to DRBC staff and Commissioners about any topic that is relevant to the management of the Basin's waters. Comments made during Open Public Comment (formerly called "Public Dialogue")

are not recorded and are not included in any decision-making record. There is no requirement for the Commission to provide for Open Public Comment. The Commission affords this opportunity in order to be better informed about the concerns of Basin water users.

**11. What does “as time is available” mean?**

On Public Hearing and Business Meeting days, the Commission’s first priority will always be to complete scheduled business. For example, if many people wish to comment on the record regarding draft dockets, resolutions or rules that have been scheduled for the Public Hearing, the hearing officer may use all the available meeting time for oral comments on the record related to these matters. The opportunity for Open Public Comment is always subject to the discretion of the hearing officer or Business Meeting chair.

**12. Will there be time limits on Open Public Comment?**

Yes. The maximum time typically afforded for Open Public Comment – at either a Public Hearing or a Business Meeting – will be one hour, time permitting. Each speaker will be limited to three (3) minutes.

**13. Why limit this Open Public Comment time to one hour at each meeting date?**

The Commission is attempting to provide opportunities for informal public input within reasonable limits. Historically, the public has chosen to speak on numerous and diverse issues that may or may not be directly related to the authority and jurisdiction of the DRBC. Time limits are intended to encourage persons to address issues that are directly relevant to the DRBC, discourage repetition, and discourage speaking on matters for which the Public Hearing and comment period has ended and on which the Commission has not yet acted.

**14. Will Open Public Comment sessions always be limited to one hour?**

Generally yes. However, if there are special circumstances or unique issues that require information exchange beyond one hour, the Commission will consider holding special meetings or allowing more time for public input on a case-by-case basis.

**15. Are any other new guidelines being implemented for Public Hearings and Business Meetings?**

Yes, revised guidelines will be posted on the DRBC web site once available. The guidelines will include:

- Requesting that speakers address comments directly to the Commissioners or the hearing officer. Speakers are asked to refrain from directly engaging with or debating one another.
- Advising commenters that the preferred form of submission of written comments is electronic – e.g., via email or, if the comments are voluminous or involve large files, on a disc. DRBC seeks to reduce as much as possible our reliance on paper.
- Encouraging those who wish to speak during a Public Hearing or Open Public Comment session to sign up in advance by contacting the staff member listed in the hearing or meeting notice.
- Better defining safety and security procedures.

- Better defining procedures for video and audio taping to ensure that safety rules are respected and that these activities are not disruptive.
- Underscoring that Open Public Comment should not be used to speak on matters for which the Public Hearing and comment period has already ended. The Commission welcomes oral comment for the record on any proposed action or decision during the Public Hearing on that matter. Written comment on proposed actions or decisions is accepted through the close of the comment period, which will generally extend for at least one business day after the Public Hearing date. By contrast, Open Public Comment is intended to provide an opportunity to address matters not directly before the Commission for an action or decision.

**16. *What does the Commission hope to accomplish by these changes?***

The Commission welcomes and benefits from public input. The described changes are intended to improve the public process to better advance our Compact-defined mission. Specifically, these changes are expected to:

- Allow DRBC staff and Commissioners adequate time to review all public comments to support informed decision making.
- Provide opportunities to conduct Business Meetings at different locations throughout the Delaware River Basin.
- Provide opportunities for Open Public Comment, within reasonable limits, at locations throughout the Basin.
- Focus public input on matters over which DRBC has direct jurisdiction and authority.
- Reduce paper.
- Record and preserve the decision making record for Commission actions.
- Improve the safety, security, and efficiency of public meetings.

**END OF SECTION**

**ADDITIONAL QUESTIONS AND ANSWERS WILL BE ADDED AS REQUIRED**

*Last Updated 10/1/2015*